

REMARKS

The Applicant respectfully requests reconsideration and Allowance of Claims 1-11 and 13-20 in view of the amendments presented above and the following arguments.

CLAIM OBJECTIONS

Claim 12 was objected to for informalities in that the term “accounter” was not defined by the claims and the specification was said not to provide a standard for ascertaining the “requisite degree.” Applicant respectfully disagrees.

The Examiner’s attention is directed to page 6, lines 22-29 where the post-installation operation of the “accounter” is mentioned. Page 17, lines 25-30, page 19, lines 12-24 and page 20, lines 18-27, clearly describe an “accounter” that tracks each consumer order and establishes a financial trend. Therefore, Applicant respectfully requests that the objection to claim 12 be withdrawn notwithstanding the fact that claim 12 is canceled herein.

35 U.S.C. §103 REJECTIONS

Claims 1-3,13-14 and 16-20 were rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent 6,333,790 B1 to Kageyama in view of U.S. Patent 6,405,178 B1 to Manchala.

Claims 4-12 and 15 were rejected under 35 U.S.C. §103(a) as obvious over the combination of Yageyama and Manchala as applied to claim 2 in further view of Slotznick, US Patent No. 5,983,200.

STATUS OF THE CLAIMS

Claim 12 has been canceled.

Claims 1-11 and 13-20 remain pending in this case.

Independent Claims 1 , 14 and 19 have been amended to add the limitation that an accounter is linked with the purchasing unit for tracking each consumer item order executed

by the purchasing unit and establishing a financial trend. These amendments represent clarifications and do add further limitations to the respective claims.

CLAIMS 1-11 AND 13-20 ARE NOT OBVIOUS IN VIEW OF THE CITED ART

The Examiner rejected Claims 1-20 under 35 U.S.C. §103(a) as either obvious over U.S. Patent 6,333,790 B1 to Kageyama in view of U.S. Patent 6,405,178 B1 to Manchala, as to claims 1-3,13-14 and 16-20, or as obvious over the combination of Yageyama and Manchala as applied to claim 2 in further view of Slotnick, US Patent No. 5,983,200, as to claims 4-12 and 15. Applicant respectfully traverses these rejections on the ground that Kageyama whether alone or in combination with Manchala and Slotnick does not describe or suggest Applicant's invention as now claimed and, further, there is no suggestion in any of the references to modify the Kageyama device in the manner now claimed.

THE KAGEYAMA PATENT

The Kageyama patent discloses a printing system wherein a printer connected to one computer is managed by another computer over a network. (See Abstract). A first network 110 is connected to a second network 120. A first computer 300 and a printer 200 is connected to the first network 100 and a second computer 400 is connected to the second network 120. (Column 5, lines 17-39). The second computer communicates with the printer controller and/or the first computer over the network to manage the printer to cope with trouble in the printer, order consumable items and replacement parts for the printer and update programs and data for using the printer. (See Abstract). No user parameters provided by the user are disclosed or suggested. Further, no account, linked with a purchasing unit, for tracking each consumer

item order executed by the purchasing unit and establishing a financial trend is disclosed or suggested.

THE MANCHALA PATENT

The Manchala et al. patent discloses a computer system for automatically ordering consumables for a printer where the inventory is compared as to amounts delivered and consumed. The computer is equipped with a set of rules for automatically reordering new supplies and requesting concessions from one or more vendors before ordering. (Abstract) While in the broadest sense user parameters are disclosed, no account, linked with a purchasing unit, for tracking each consumer item order executed by the purchasing unit and establishing a financial trend is disclosed or suggested.

THE SLOTCNICK PATENT

The Slotznick patent discloses an intelligent agent for executing delegated tasks. The intelligent agent uses learning modules that build up a database of information from previously executed tasks and the database is used to assist in executing future tasks.(See Abstract). Specifically, every day the apparatus examines which orders must be executed . Then it orders, pays for and dispenses the required items. In addition it may look up orders from the past and ask the user if he or she wants to repeat the order. (Column 4, lines 11-17). Here again, while user parameters are established and tracked, no account, linked with a purchasing unit, for tracking each consumer item order executed by the purchasing unit and establishing a financial trend is disclosed or suggested.

CLAIM 1

In contrast to Kageyama, Manchala and Slotnick, either alone or in combination, Applicant's independent Claim 1 (as well as independent Claims 14 and 19) is directed to a purchasing system that, among other things, includes an accountor, linked with a purchasing unit, for tracking each consumer item order executed by the purchasing unit and establishing a financial trend. As set forth in the application at page 19, lines 11-24, for example, Applicant's accountor 98 tracks each consumer item order executed by the purchasing processor 93. The accountor 98 stores information relating to each consumer item order in the trader unit consumer data repository 94. The accountor 98 provides executed consumer item orders from the trader unit user data repository 94 to the purchasing processor 93 to facilitate selection of a communications network business. From the executed consumer item orders, the accountor 98 may establish a financial trend. Thus, the accountor 98 may provide financial information reporting to the purchasing processor 93 and directly to the user environment 20 via the intelligent purchasing agent 41. Ultimately, by interfacing with the accountor 98 as well as with the communications network businesses 99, the purchasing processor 93 can easily access purchasing information so that the user may comparison shop, for example.

The Examiner concedes that no single reference discloses Applicant's invention. And, while Applicant agrees that the cited references are generally in the relevant art, nonetheless, Applicant respectfully suggests that it does not follow that either Kageyama and Manchala together or both of them and Slotnick disclose or suggest Applicant's device. Among other deficiencies noted above, neither Kageyama nor Manchala discloses or suggests anything like the required accountor of Applicant's independent claims 1, 14 and 19. Assuming, arguendo,

that Slotnick's intelligent agent does keep track of previous orders, this is a very different function than that accomplished by Applicant's accounter. Applicant's accounter may establish a financial trend from the data recorded. This financial trend data is nowhere disclosed or suggested by the prior art devices seeking price concessions for quantity orders (Manchala) or the notation of previous orders for the purpose of asking the user if he wants to repeat the order (Slotnick).

In sum, Applicant respectfully submits that it can not be fairly said that the cited references, alone or in combination, suggest Applicant's invention as now claimed.

Further, it is fair to point out that in order to combine prior art references or modify a prior art reference under 37 U.S.C. 103, there must be some teaching or suggestion in the prior art to make the combination or modification. In this case, the Examiner does not point to any teaching or suggestion in the prior art to modify the admittedly deficient Kageyama reference other than to state that it would have been obvious to one of ordinary skill in the art at the time of the invention to have done so. Applicant respectfully disagrees.

Kageyama is an already functioning printing system that utilizes a printer controller to order required parts or update software. No financial trend information is disclosed or suggested and none is provided for.

If the proposed modification of the prior art would change the principle of operation of the prior art device, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F. 2nd 810, 123 U.S.P.Q. 349 (CCPA 1959) (see MPEP § 2143.01 at page 2100-99, second column). It is clear that adding Manchala and/or Slotnick to Kageyama would change the principle by which Kageyama operates. Thus, in accordance with *In re Ratti*, it could not have been obvious to make the Examiner's proposed modifications.

The Applicant therefore respectfully submits that Claim 1, as well as independent Claims 14 and 19 which require limitations similar to those in Claim 1, are not anticipated by, nor obvious over, Kageyama either alone or in combination with Manchala and/or Slotnick and are entitled to allowance along with dependent claims 2-11 and 13; 15-18; and 20 respectively.

CITED BUT NON-APPLIED REFERENCES

The subsidiary references have been reviewed but are submitted to be less relevant than the relied upon references.

CONCLUSION

In light of the above, Applicant respectfully requests reconsideration and allowance of Claims 1-11 and 13-20. If the Examiner should feel that any issue remains as to the allowability of these claims, or that a conference might expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney.

Applicant intends this to be a complete response. Other than the fee for the one month extension of time to respond, no additional fee is believed due; however if a fee is due, please charge deposit account number indicated on the transmittal letter.

Respectfully submitted,

SHAFFER & CULBERTSON, L.L.P.

Date: 24 mar 04

By: J. Nevin Shaffer
J. Nevin Shaffer, Jr., Reg. No. 29,858
Russell D. Culbertson, Reg. No. 32,124
1114 Lost Creek Blvd, Suite 420
Austin, Texas 78746
512-327-8932 or 850-934-4124

ATTORNEYS FOR APPLICANT

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: 24 mar 04

Reg. No. 29,858, J. Nevin Shaffer, Jr.